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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES FIDELITY &
GUARANTY COMPANY

CIVIL ACTION NO. 06-895

VERSUS

JUDGE DOHERTY

E. L. HABETZ BUILDERS, INC., ET AL

MAGISTRATE JUDGE METHVIN

MEMORANDUM RULING ON
RULE 12(B)(6) MOTION TO DISMISS

Pending before this Court is a Rule 12(b)(6) Motion to Dismiss [Doc. 42], filed on behalf of Third-Party Defendants, William L. Melancon and Melancon & Associates, L.L.C. (collectively referred to as "Melancon"). For the following reason the Motion to Dismiss [Doc. 42] is GRANTED.

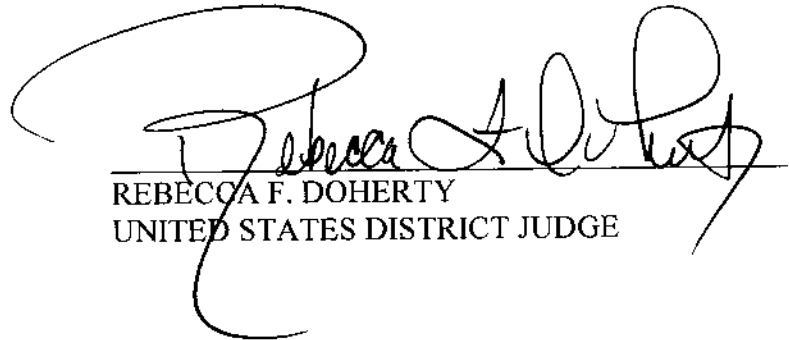
In the Third-Party Demand against Melancon [Doc. 12], the following parties were made Third-Party Defendants: (1) Habetz Builders, Inc., a Louisiana corporation, (2) Edmund Habetz, individually, and (3) Cheryl Habetz, individually. In the Motion to Dismiss [Doc. 42], Melancon urges the individual Third-Party Demands against Melancon by Edmund and Cheryl Habetz must be dismissed because Melancon, Edmund Habetz and Cheryl Habetz entered no agreement for Melancon to represent Edmund Habetz and Cheryl Habetz individually. Rather, Melancon argues it contracted only with Habetz Builders, Inc. to represent Habetz Builders, Inc.

The Motion to Dismiss is unopposed. Seeing no error in law, this Court **GRANTS** the Motion to Dismiss [Doc. 42] and the Third-Party Demands against Melancon by Edmund Habetz and Cheryl Habetz are hereby DISMISSED. However, the Third-Party Demand against Melancon

by Habetz Builders, Inc. remains pending before the Court.

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana, this 26 day of June,

2007.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE